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RESOLUTION NO 20 OF 1980

To amend the Joint Immigration Regulation No 18 of 1971.

The Representative Assembly at its sitting on the 15th day of July 1980 hereby resolves and decides in accordance with Article 23 of the Schedule of the Exchange of Notes of 15th September 1977 to adopt the following measures :-

Amendment
of J.R. 18
of 1971.

1. The Joint Immigration Regulation No 18 of 1971 is amended -
 - (a) By the substitution throughout the Regulation of
 - (i) The word "Minister" for "Resident Commissioners" and the making of all grammatical corrections necessary as a result thereof;
 - (ii) The word "Vanuatu" for the words "The New Hebrides";
 - (b) In Section 1 by -
 - (i) the deletion of the definitions of "New Hebridean" and "Police Officers";
 - (ii) the deletion of the words "Resident Commissioners" in paragraph (b) of the definition of "entry" and the substitution of the words "Minister responsible for civil aviation" therefor;
 - (iii) the addition of the following definitions -

"non-citizen." means a person who is not a citizen of Vanuatu;
"Minister" means the Minister for the time being responsible for immigration or any Minister acting on his behalf";
"Principal Immigration Officer" includes any immigration officers to whom powers are delegated in accordance with Section 3 (2) and any police officer of the rank of Sergeant and above;
"Vanuatu" means the Republic of Vanuatu.
 - (c) By the substitution of the words "Principal Immigration Officer" for the words "Principal Immigration Officers" throughout the Regulation and the making of all grammatical corrections necessary as a result thereof.
 - (d) In Section 2 by -
 - (i) the substitution of the words " of non-citizens" for the words "of all persons" after the words "New Hebrides" in sub-section (1);

- (e) (ii) the repeal of subsections (2) and (3):
In section 3 by the repeal of subsection (1) and the substitution therefor of the following :-
"(1) The Minister shall appoint a Principal Immigration Officer and such other immigration officers as he may consider necessary";
- (f) In Section 4 (1) by the repeal of the proviso to paragraph (a);
- (g) By the repeal of Section 5 and the substitution therefor of the following :-
"5. (1) Any non-citizen not being a resident of Vanuatu who wishes to enter Vanuatu shall require a visa unless he is/citizen of a country exempted with or without limitations or conditions from visa requirements by order of the Minister.
(2) Any non-citizen not being a resident of Vanuatu who wishes to take up residence in Vanuatu shall apply to enter Vanuatu from outside and shall be in possession of a valid permit to enter prior to entry.
(3) No person may apply for a permit to reside in Vanuatu whilst temporarily present in Vanuatu as a permitted visitor or otherwise.
(4) Any non-citizen who wishes to enter Vanuatu as a visitor shall produce on demand by the Principal Immigration Officer at the place of entry or at any time evidence, satisfactory to the Principal Immigration Officer, of onward passage arrangements to a country which he will be able to enter";
- (h) By the repeal of Section 7 and the substitution therefor of the following :-
"7. The Principal Immigration officer may require any non-citizen on or prior to entering Vanuatu to deposit a sum with the Government which in the opinion of the Principal Immigration Officer, shall be sufficient to cover the cost of the repatriation of that person and those of his dependants accompanying him";
- (i) By the Repeal of Section 9 and the substitution therefor of the following :-
"9. Sections 5, 6, 7 and 8 shall not apply to -
(a) Persons employed by the Government of Vanuatu.
(b) Persons seconded to the Government of Vanuatu.
(c) Members of Diplomatic Missions in Vanuatu.
(d) Persons visiting Vanuatu and leaving on the same ship or aircraft.
(e) the families of persons referred to in the foregoing paragraphs";

- (j) By the repeal of section 11 and the substitution therefor of the following --
"11.(1) No person shall enter Vanuatu from any place outside unless -
(a) He is in possession of a valid visa lawfully issued to him except if he is a citizen of a country exempted under Section 5 (1) and
(b) He is in possession of a valid permit lawfully issued to him except if he is exempted under Section 12.
(2) Subject to the provisions of this Regulation no person shall remain in Vanuatu after the expiry or cancellation of a permit";
- (k) By the repeal of subsection (1) of Section 12 and the substitution therefor of the following :-
"(1) Subject to this section, a person who satisfies the Principal Immigration Officer that he comes into any of the following categories shall be entitled to enter Vanuatu without having obtained a permit under this Regulation, namely -
(a) any person granted exemption by the Minister;
(b) any person employed by the Government of Vanuatu;
(c) any member of a diplomatic mission based in Vanuatu";
- (l) By the repeal of subsection (3) of section 13 and the substitution therefor of the following -
"(3) Notwithstanding any other provision of this Regulation the Principal Immigration Officer may cancel a permit if -
(a) he is satisfied that the holder of the permit made a false declaration in respect of the particulars required when applying for the permit; or
(b) the holder of the permit is convicted of an offence carrying liability to a sentence of imprisonment whether or not as an alternative to a fine";
- (m) By the addition at the end of section 14 of the following paragraph -
"(f) has been convicted of any offence";
- (n) In Section 17 by the insertion of the words "or aircraft" after the word "ship" in subsections (5) and (6);
- (o) In section 18 by the insertion of the words "or aircraft" after the word "ship" where it occurs.

- (n) In Section 17 by the insertion of the words "or aircraft" after the word "ship" in subsections (5) and (6);
- (o) In section 18 by the insertion of the words "or aircraft" after the word "ship" where it occurs;
- (p) In Section 22 by the repeal of subsections (3) (6) and (7) and the substitution therefor of the following -
 - "(3) Any person convicted of an offence against this Regulation for which no penalty is otherwise provided shall be liable to a fine not exceeding FNH 50,000 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.
 - (6) Any person who is convicted of an offence under paragraph (o) of subsection (1) shall be liable to a fine not exceeding 100,000 FNH or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.
 - (7) Where any prohibited immigrant enters Vanuatu on or from a ship, whether or not with the knowledge or the owner or master or of any agent therefor, such owner and master and such agent shall be guilty of an offence and shall be liable to a fine not exceeding 100,000 FNH. Provided that it shall be a defence to a charge under this subsection that the owner, master or agent as the case may be, had reasonable cause to believe that such prohibited immigrant was in possession of a valid permit authorising him to enter Vanuatu"
- (q) In the Fourth Schedule by
 - (i) the repeal of paragraphs 17 and 18 and the substitution therefor of the following -
 - "17 have you ever been convicted of a criminal offence (please answer yes or no).....
If yes give particulars".
 - 18. Have you ever been a patient in a lunatic asylum or mental institution (please answer yes or no).....
If yes give full particulars.
 - (ii) By the substitution of the following for the note at the end of the Schedule.
 - "Note - separate application must be made in respect of each person except that application for a person under eighteen years may be included in the application of a parent or guardian".

Transitional
and
Saving.

2. (1) All permits issued in accordance with the Joint Immigration Regulation No 18 of 1971 prior to the coming into operation of this Regulation shall continue in force as if issued in accordance with the Joint Immigration Regulation No 18 of 1971 as amended by this Regulation.
- (2) All persons present or resident in Vanuatu and who are subject to Joint Immigration Regulation No 18 of 1971 on the coming into operation of this Regulation may if they have no permit under Joint Immigration Regulation No 18 of 1971 to reside or stay in Vanuatu apply from within Vanuatu within 6 months of the coming into operation of this Regulation or such further period as the Minister may by order declare for a permit to reside or stay in Vanuatu.